



Public Law 93-350
93rd Congress, H. R. 9281
July 12, 1974

An Act

88 STAT. 355

To amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3307 of title 5, United States Code, is amended—

(1) by striking out in subsection (a) thereof “subsections (b) and (c)” and inserting in lieu thereof “subsections (b), (c), and (d)”;

(2) by adding the following new subsection at the end thereof:

“(d) The head of any agency may, with the concurrence of such agent as the President may designate, determine and fix the minimum and maximum limits of age within which an original appointment may be made to a position as a law enforcement officer or firefighter, as defined by section 8331 (20) and (21), respectively, of this title.”

Sec. 2. (a) Section 8331(3) of title 5, United States Code, is amended—

(1) by striking out the word “and” at the end of clause (B)(ii);

(2) by inserting the word “and” immediately after the semicolon at the end of subparagraph (C);

(3) by adding immediately below subparagraph (C) the following new subparagraph:

“(D) with respect to a law enforcement officer, premium pay under section 5545(c)(2) of this title;” and

(4) by striking out “subparagraphs (B) and (C) of this paragraph” and inserting in lieu thereof “subparagraphs (B), (C), and (D) of this paragraph”.

Certain
law enforce-
ment and
firefighting
personnel.
Retirement
benefits.
86 Stat. 141.

Infra.
80 Stat. 564,
1164.

84 Stat. 198.

83 Stat. 136.

“Law enforce-
ment officer.”

“Detention.”

(b) Section 8331 of title 5, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (18);

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof a semicolon and the word “and”; and

(3) by adding at the end thereof the following:

“(20) ‘law enforcement officer’ means an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this paragraph, ‘detention’ includes the duties of—

“(A) employees of the Bureau of Prisons and Federal Prison Industries, Incorporated;

“(B) employees of the Public Health Service assigned to the field service of the Bureau of Prisons or of the Federal Prison Industries, Incorporated;

“(C) employees in the field service at Army or Navy disciplinary barracks or at confinement and rehabilitation facilities operated by any of the armed forces; and

“(D) employees of the Department of Corrections of the District of Columbia, its industries and utilities; whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of the United States or of the District of Columbia or offenses against the punitive articles of the Uniformed Code of Military Justice (chapter

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10 USC 801.

"Firefighter."

83 Stat. 136.

Deposits.

Mandatory separation.
80 Stat. 571;
86 Stat. 144.

Exemption.

Early retirement.
80 Stat. 571;
86 Stat. 539.

Annuity computation.
80 Stat. 574.
80 Stat. 571.
Supra.

47 of title 10) require frequent (as determined by the appropriate administrative authority with the concurrence of the Commission) direct contact with these individuals in their detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation; and

"(21) 'firefighter' means an employee, the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position."

Sec. 3. (a) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by inserting "a law enforcement officer, and a firefighter," following "Congressional employee."

(b) The first sentence of section 8334(c) of title 5, United States Code, is amended by adding at the end thereof the following new schedule:

"Law enforcement officer	2½-----	August 1, 1920, to June 30, 1926.
for law enforcement	3½-----	July 1, 1926, to June 30, 1942.
service and firefighter	5-----	July 1, 1942, to June 30, 1948.
for firefighter service.	6-----	July 1, 1948, to October 31, 1956.
	6½-----	November 1, 1956, to December 31, 1969.
	7-----	January 1, 1970, to December 31, 1974.
	7½-----	After December 31, 1974."

Sec. 4. Section 8335 of title 5, United States Code, is amended by adding the following new subsection at the end thereof:

"(g) A law enforcement officer or a firefighter who is otherwise eligible for immediate retirement under section 8336(c) of this title shall be separated from the service on the last day of the month in which he becomes 55 years of age or completes 20 years of service if then over that age. The head of the agency, when in his judgment the public interest so requires, may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age. The employing office shall notify the employee in writing of the date of separation at least 60 days in advance thereof. Action to separate the employee is not effective, without the consent of the employee, until the last day of the month in which the 60-day notice expires."

Sec. 5. Section 8336(c) of title 5, United States Code, is amended to read as follows:

"(c) An employee who is separated from the service after becoming 50 years of age and completing 20 years of service as a law enforcement officer or firefighter, or any combination of such service totaling at least 20 years, is entitled to an annuity."

Sec. 6. Section 8339(d) of title 5, United States Code, is amended to read as follows:

"(d) The annuity of an employee retiring under section 8335(g) or 8336(c) of this title is—

"(A) 2½ percent of his average pay multiplied by so much of his total service as does not exceed 20 years; plus

"(B) 2 percent of his average pay multiplied by so much of his total service as exceeds 20 years."

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SEC. 7. The amendments made by the first section, and sections 2(b), 5, and 6, of this Act shall become effective on the date of enactment of this Act. The amendments made by sections 2(a) and 3 of this Act shall become effective at the beginning of the first applicable pay period which begins after December 31, 1974. The amendment made by section 4 of this Act shall become effective on January 1, 1978.

Effective
dates.
5 USC 3307
note.

Approved July 12, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-463 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 93-948 (Comm. on Post Office and Civil Service).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Sept. 20, considered and passed House.
Vol. 120 (1974): June 24, considered and passed Senate, amended,
June 28, House concurred in Senate amendments.